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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/543,331	04/05/2000	Shozo Hattori	35.C14393	6706

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NGHIEM, MICHAEL P

ART UNIT	PAPER NUMBER
2861	

DATE MAILED: 07/24/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

WD

Office Action Summary	Application No.	Applicant(s)	
	09/543,331	HATTORI ET AL.	
	Examiner	Art Unit	
	Michael P Nghiem	2861	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 20 May 2002.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 2,5-10 and 19-22 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 5-7 is/are allowed.
- 6) Claim(s) 2,5-8,10 and 19-22 is/are rejected.
- 7) Claim(s) 9 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>14</u>	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

The Amendment filed on May 20, 2002 has been acknowledged.

Claim Rejections - 35 USC 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 21 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The transitional phrases such as "comprising", "consisting essentially of" and "consisting of" define the scope of a claim. This claim has no transitional phrase. Therefore, the metes and bounds of the claim cannot be readily ascertained (See MPEP 2111.03).

Claim Rejections - 35 USC 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 2, 8, 10/(2, 8), and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Ono et al. (EP 756 935).

Ono et al. discloses all the claimed features of the invention including:

- an ink tank (20) containing an ink absorbent (24, 25, 26) in the housing (22) of the ink tank (20) for storing ink in the interior thereof provided with a supply port (23a, 23b, 23c) for leading out ink to the outside, said supply port being adapted to receive an ink supply portion (23's) of an ink jet head (21) into an inside of said housing (Fig. 1) and an atmospheric communication port (column 5, lines 4-5) to be communicated with air outside, being formed by fiber material (column 5, lines 15-26) having:

- a surface formed at least by thermoforming (column 5, line 36 – column 6, line 6),
- the ink absorbent formed by fiber material has a face structured by a cut face (Figs. 2, 3's),
- two faces of said ink absorbent opposite to each other are cut faces (bottom and top surfaces of absorbent, Fig. 3a).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10/(2, 8) and 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koitabashi et al. (US 5,509,140) in view of Ono et al..

Koitabashi et al. discloses the following claimed features of the invention:

- an ink tank (Fig. 1) comprises:
 - a negative pressure generating member installation chamber (4) in which an ink absorbent (3) is contained;
 - a liquid storage chamber (6) communicated with said negative pressure generating member installation chamber through a communication passage (8) to store ink to be supplied to said negative pressure generating member installation chamber substantially closed with the exception of said communication passage (Fig. 1); and a partition wall member (5) having said communication passage, partitioning said negative pressure generating member installation chamber and said liquid storage chamber (Fig. 1).

However, Koitabashi et al. does not disclose a thermoformed ink absorbent having cut faces.

Nevertheless, Ono et al. discloses a thermoformed ink absorbent having cut faces (Figs. 2, 3) for the purpose of being easily housed inside an ink tank for holding ink.

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to provide Koitabashi et al. with an ink absorbent as disclosed by Ono et al. for the purpose of being easily housed inside an ink tank for holding ink.

Allowable Subject Matter

4. Claims 9 and 10/9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. Claims 5-7 and 10/(5-7) are allowed.

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6. The combination as claimed wherein the face of said ink absorbent facing the plane having the largest area on the inner face of said ink tank is a cut face thereof (claim 5) or said cut faces are parallel in the fiber direction (claim 9) is not disclosed, suggested, or made obvious by the prior art of record.

Response to Arguments

7. Applicant's arguments filed on May 20, 2002 have been fully considered but they are not persuasive.

With respect to the 35 USC 102 rejection, Applicants argue that Ono does not describe a cut face of an ink absorbent, much less a cut face faced to a supply port or two cut faces opposite to each other.

Examiner's position is that Ono describes a cut face (bottom cut face of 45 cut by 44, Fig. 2) of an ink absorbent faced to a supply port (23's) or two cut faces opposite to each other (top and bottom faces of 45, Fig. 2).

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See

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MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Information

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Nghiem whose telephone number is (703) 306-3445. The examiner can normally be reached on M-H from 6:30AM – 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hiltun can be reached at (703) 308-0719. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7724 for regular communications and (703) 308-5841 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



MICHAEL NGHIEM
PRIMARY EXAMINER

Michael Nghiem

July 18, 2002